

1-1 By: Vasut, et al. (Senate Sponsor - Johnson) H.B. No. 549
1-2 (In the Senate - Received from the House May 14, 2025;
1-3 May 14, 2025, read first time and referred to Committee on
1-4 Education K-16; May 27, 2025, reported favorably by the following
1-5 vote: Yeas 11, Nays 0; May 27, 2025, sent to printer.)

1-6 COMMITTEE VOTE

1-7	Yea	Nay	Absent	PNV
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to the availability and use of airway clearance devices at
1-22 public school campuses.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. This Act may be cited as the Westyn Bryan
1-25 Mandrell Act.

1-26 SECTION 2. Subchapter A, Chapter 38, Education Code, is
1-27 amended by adding Section 38.0171 to read as follows:

1-28 Sec. 38.0171. AVAILABILITY OF AIRWAY CLEARANCE DEVICE. (a)
1-29 In this section, "airway clearance device" means a noninvasive
1-30 device capable of removing or assisting with the removal of a
1-31 person's foreign-body airway obstruction.

1-32 (b) Except as provided by Subsection (c), each school
1-33 district shall make available at each district campus at least one
1-34 airway clearance device appropriate for use on the majority of
1-35 students enrolled at the campus. In determining the location at
1-36 which to store the device, the principal of the campus shall
1-37 consider the primary location on campus where students consume
1-38 food.

1-39 (c) A school district must comply with Subsection (b) with
1-40 respect to a district campus only if the district may obtain an
1-41 airway clearance device for the campus through:

1-42 (1) donation of the device in the original packaging;
1-43 or

1-44 (2) purchase or lease of the device using money
1-45 appropriated or donated to the district for that purpose.

1-46 (d) Each school district shall ensure the presence at each
1-47 location at which an airway clearance device required under
1-48 Subsection (b) is stored of at least one campus or district employee
1-49 trained in the proper use of the device at any time a substantial
1-50 number of students are present at the location.

1-51 (e) A school district shall ensure that each airway
1-52 clearance device is stored and used in accordance with the
1-53 manufacturer's specifications and any applicable law.

1-54 (f) This section does not:

1-55 (1) waive any immunity from liability of a school
1-56 district or the district's officers or employees;

1-57 (2) create any liability for or a cause of action
1-58 against a school district or the district's officers or employees;
1-59 or

1-60 (3) waive any immunity from liability under Section
1-61 74.151, Civil Practice and Remedies Code.

(g) A school district may solicit and accept gifts, grants, or other donations to obtain airway clearance devices required under this section.

SECTION 3. This Act applies beginning with the 2025-2026 school year.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2025.

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